

Thomas Jefferson to James Madison, September 23, 1806, from The Works of Thomas Jefferson in Twelve Volumes. Federal Edition. Collected and Edited by Paul Leicester Ford.

TO THE SECRETARY OF STATE J. MSS. (JAMES MADISON.)

Monticello, Sept. 23, 06.

Dear Sir, —Yours by yesterday's post has been received, and I now return you the letters of Yznardi, Wilkinson, Cathcart, Clinton, Toulman & Turreau. In the answer to the latter I think it would be better to lay more stress on the constitutional bar to our furnishing the money, because it would apply in an occasion of peace as well as war. I submit to you therefore the striking out the words "it is not &c." within Crotchets () in your draught & inserting "but in indulging these dispositions the President is bound to stop at the limits prescribed by our Constitution & law to the authorities placed in his hands. One of the limits is that 'no money shall be drawn from the Treasury but in consequence of appropriations made by law' & no law having made any appropriation of money for any purpose similar to that expressed in your letter it lies of course beyond his constitutional powers. This insuperable bar renders it unnecessary to inquire whether the aid you request could be reconciled to" &c. But both as to the matter and form of this alteration, you will decide. I do not think the loan of our navy yard any more 294 contrary to neutrality than that of our ports. It is merely admitting a ship to a proper station in our waters. But this may be a subject of future consultation. I send for your perusal two letters from Yznardi, and an anonymous one. The postmark on this last was Philadelphia, & you will be at no loss to conjecture it's Spanish source.

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I still count on being with you on the 1st of Oct. & certainly feel no dispositions to be punctilious in the case you allude to. Doctr. Thornton & his family are here, & will be with you the first fair day. I salute you with affection & respect.

P. S. The death of Judge Patterson requires the nomination of a successor.